

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WATERKEEPER ALLIANCE, INC.,

Plaintiff,

v.

SPIRIT OF UTAH WILDERNESS, INC., d/b/a GREAT
SALT LAKEKEEPER, or GREAT SALT LAKE WATER
KEEPERS,

Defendant.

SPIRIT OF UTAH WILDERNESS, INC., d/b/a GREAT
SALT LAKEKEEPER, or GREAT SALT LAKE WATER
KEEPERS,

Counterclaimant,

v.

WATERKEEPER ALLIANCE, INC.,

Counterdefendant.

Case No. 10-cv-1136 (NSR)

**PLAINTIFF WATERKEEPER ALLIANCE, INC.'S DOCUMENT REQUESTS TO
JEFFREY SALT**

PLEASE TAKE NOTICE that, pursuant to the contempt order issued by the Court, dated April 5, 2019, plaintiff Waterkeeper Alliance, Inc. ("Plaintiff"), by its attorneys, Wachtel Missry LLP, direct the following document requests to Jeffrey Salt ("Salt"), and demands that Salt produce the following documents and/or things at the offices of Wachtel Missry LLP, 885 Second Avenue, New York, New York 10017, within 30 days of service thereof:

DEFINITIONS

1. The term "communication" means the transmittal of information in the form of facts, opinions, ideas, data transmission, inquiries or otherwise, whether oral or written.

2. The term “document” is used herein in the broadest possible sense and includes, without limitation, all originals, copies (if the originals are not available), non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise) and drafts of the following items, whether printed or recorded (through a sound, video, computer, digital, optical or magnetic recording system) or reproduced by hand: contracts, agreements, communications, writings, correspondence, facsimiles, memoranda, records, reports, books, summaries, or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, calendars, forecasts, statistical statements, work papers, e-mails, web-pages, electronic bulletin boards, ledgers, drafts, graphs, charts, accounts, analytical records, minutes or records of meetings or conferences, consultant’s reports, appraisals, records, reports or summaries of negotiations, brochures, pamphlets, circulars, trade letters, press releases, notes, marginal notations, bills, invoices, checks, photographs, tape recordings, microfilm, microfiche, floppy diskettes, lists, journals, advertisements, file folders, computer tapes and hard drives, source code, object code or other computer language or recording, and any other writing of whatever description, however produced or reproduced, within your possession, custody or control, including documents within the files or your attorneys, consultants, accountants or agents.

3. “Person” or “persons” means any natural person, corporation, partnership, proprietorship, association, trust, business entity, organization, public authority, municipal corporation, governmental body, and all other legal entities.

4. The terms “relating,” “related to,” “evidencing,” “comprising” or “concerning” shall be construed as to include indicating, referring to, mentioning, pertaining to, evidencing,

involving, describing, discussing, responding to, supporting, contradicting, constituting in whole or in part, and being a draft, copy or summary in whole or in part.

5. “Each” includes the word “every” and “every” includes the word “each.” “Any” includes the word “all” and “all” includes the word “any.” “And” as well as “or” shall be construed either disjunctively or conjunctively so as to bring within the scope of these discovery requests any response that might otherwise be construed to be outside their scope.

6. The use of the singular form of any word includes the plural and vice versa. The use of a verb in any tense shall be construed as the use of the verb in all other tenses wherever necessary to bring within the scope of these discovery requests any response that might otherwise be construed to be outside their scope.

7. “Identify,” with respect to persons, means to give, to the extent known, the person's full name, present or last known address, and, when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

8. “Identify,” with respect to documents, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s).

9. The term “concerning” means referring to, regarding, comprising, concerning, reflecting, describing, evidencing or constituting.

10. “Plaintiff” means plaintiff Waterkeeper Alliance Inc. and its predecessors, successors, assignees, affiliates, agents, employees, shareholders, managers, officers, directors,

insurance companies, attorneys, accountants, investigators, representatives or any other person or entity acting on its behalf or under its control.

11. “SUW” means defendant Spirit of Utah Wilderness Inc., d/b/a Great Salt Lakekeeper, or Great Salt Lake Water Keepers and its predecessors, successors, assignees, affiliates, agents, employees, shareholders, managers, officers, directors, insurance companies, attorneys, accountants, investigators, representatives or any other person or entity acting on its behalf or under its control.

12. “Salt” shall refer to SUW’s purported Executive Director, Jeffrey Salt.

13. “You” or “Your” shall refer to defendant SUW and Salt.

14. “Plaintiff’s Interrogatories” means the set of interrogatories, dated September 4, 2019, served by Plaintiff on Salt.

15. “Action” shall refer to the federal court suit commenced by Plaintiff in the Southern District of New York, Case No. 10-cv-1136.

16. “Complaint” means the Complaint filed by the Plaintiff in the Action.

17. “Order” shall mean the contempt order, dated April 5, 2019, that was entered in the action by Judge Nelson S. Roman, which imposed financial penalties on Salt for his failure to comply with the Court’s prior orders and directives and authorized Plaintiff to serve written interrogatories and documents requests on Salt upon his failure to timely file an affidavit disclosing his personal finances.

18. “Waterkeeper Marks” means the name “Waterkeeper” and other related marks containing the term “keeper”, including, but not limited to, the marks Creekkeeper, Baykeeper, and Lakekeeper.

19. “The Default Order” means the Order issued by the Court on May 8, 2015 in the Action.

20. “The Contempt Order” means the order issued by the Court in this Action on October 2, 2017.

INSTRUCTIONS

In responding to these requests, you are required to provide all documents available to you, including documents in the possession of your attorneys and all persons acting on your behalf, and not merely documents within your own personal possession.

If you object to any request or portion thereof: (a) state with specificity all grounds for such objection; and (b) respond to the request to the extent not objected to.

Where a claim of privilege is asserted in objecting to any request, or sub-part thereof, and the requested information is not provided on the basis of such assertion: you must provide the following information: (a) the nature of the privilege, immunity or doctrine you claim; (b) the type of document; (c) the subject matter of the allegedly privileged information; (d) the date of the document; (e) such other information as is sufficient to identify the document for a subpoena duces tecum, including, where appropriate, the author of the document, the addressee of the documents, and where not apparent, the relationship of the author and addressee to each other; (f) the basis of the claim of privilege.

If any document requested herein was formerly in your possession, custody or control, but is no longer in your possession or control: (i) identify each such document; (ii) identify each person who now has or ever had possession, custody or control of such documents; and (iii) state, to the extent known to you, the reason the document is no longer in your possession, custody or control and the circumstances under which it ceased to be in your possession, custody or control.

Your obligation to respond to these requests shall be deemed continuing to the extent permissible under the Federal Rules of Civil Procedure.

Unless otherwise specified, documents called for by this request shall be those dated or created between January 1, 2013 and the present date.

SPECIFIC REQUESTS

1. All documents that identify your present residential address, business address and occupation.
2. All documents listing employers (including self-employment) or others for whom you have done work for since January 1, 2013, including, in each instance, the annual compensation you received.
3. All documents that identify each place you have lived in since January 1, 2013, the dates of your residence, the owner of each residence, and the amount of rent, if any, you paid.
4. All documents indicating your marital status and the employment status of your spouse if you are married.
5. All documents regarding any real property or any interest in real property owned by you or your spouse, including, but not limited to, the property address(es) / legal description any such properties, its purchase or acquisition date, the amount of the purchase price, the source or the manner of its acquisition, and from whom it was acquired.
6. Any and all documents concerning you or your spouse's ownership of or interest in any of the following:
 - (a) Stocks, bonds, negotiable instruments, or other securities.
 - (b) Promissory notes, drafts, bills of exchange or other commercial papers.
 - (c) Judgments, contract rights, claims, or causes of action.

- (d) Jewelry or antiques.
- (e) Stamp collections or coin collections.
- (f) Automobiles or trucks.
- (g) Patents, inventions, trade names, trademarks or copyrights.
- (h) Warehouse receipts, bills of lading or other documents of title.
- (i) Any business or commercial venture of any kind

7. All documents concerning you or your spouse's ownership of or interest in any other property not inquired about in Doc. Req. No. 6, above.

8. All documents concerning whether any of the property inquired about in Doc. Req. Nos. 6 or 7 are subject to liens, mortgages, pledges, attachments, or other encumbrances, as well as the status of any such liens, mortgages, pledges, or encumbrances, and the office(s) where such information has been indexed and/or recorded.

9. All documents concerning any checking or savings account or accounts that you or your spouse have an interest in, whether under you or your spouse's name, under a trade or corporate name, or in association with others as of the date of these responses or within 5 years prior thereto, including, but not limited to, the name and address of the bank or savings institution where the account is maintained, the account number, and the amount of the balance in the account(s) as of the date the answers to these responses are sworn to for each account.

10. All documents concerning any safe deposit box that you or your spouse have an interest in, whether under you or your spouse's name, under a trade or corporate name, or in association with others as of the date of these responses or within 5 years prior thereto, including, but not limited to, the name and address of the bank or savings institution where the box is

maintained, the box number, and describe the contents of each box as of the date the answers to these responses are sworn to for each account.

11. Any and all documents concerning federal or state income tax returns that you or your spouse filed in the last 5 years, including, but not limited to, filed copies of such returns.

12. Any and all documents concerning any income you received for your expenses.

13. Any and all documents and communications showing your receipts and disbursements.

14. Any and all documents demonstrating the actions have you taken to comply with the Court's Orders of May 8, 2015, October 2, 2017, and April 5, 2019.

15. Any and all documents demonstrating that you have posted the following statement (the "Statement") as required by the Court's April 5, 2019 Memorandum and Order:

Pursuant to the order of the United States District Court, S.D.N.Y., the SPIRIT OF UTAH WILDERNESS, INC., d/b/a GREAT SALT LAKEKEEPER, and or GREAT SALT LAKE WATER KEEPERS, along with its officers, including Jeffrey Salt, have no right to use any of the trademarks of the Waterkeeper Alliance, including the name Great Salt Lakekeeper. I am not the Great Salt Lakekeeper and have had no connection of any kind with Waterkeeper Alliance or any of its member organizations.

16. Any and all documents in which you have ever identified yourself as the Great Salt Lake Keeper or used a Waterkeeper Mark subsequent to the entry of the Default Order.

17. Any and all documents in which you have ever communicated that you were not or you were no longer the Great Salt Lake Keeper since the entry of the Default Order.

18. Any and all documents and communications in which you have used the domain suffix @greatsaltlakekeeper.org or some variation of that domain suffix subsequent to the date of the Default Order.

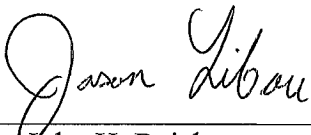
19. Any and all documents and communications in which you have used the Waterkeeper Marks subsequent to the date of the Default Order.

20. Any and all documents and communications concerning any inheritance or bequest of any kind received by you or your spouse regardless of the date.

21. Any and all documents identified by you in your responses to Plaintiff's Interrogatories that has not already been provided or otherwise requested herein.

Dated: New York, New York
September 13, 2019

WACHTEL MISSRY LLP

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